

THE HONORABLE RICHARD A. JONES

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROMAN SELEZNEV,

Defendant.

Case No. CR11-70RAJ

DECLARATION OF ANDREA D.  
OSTROVSKY IN SUPPORT OF  
DEFENDANT'S MOTION FOR ORDER  
PROHIBITING PROSECUTION TEAM  
FROM OBTAINING AND USING BOP  
TELEPHONE RECORDINGS FOR USE  
IN PROSECUTION

**NOTED FOR:  
FRIDAY, OCTOBER 16, 2015**

I, Andrea D. Ostrovsky, declare as follows:

1. I am a partner with Calfo Harrigan Leyh & Eakes LLP. I represent defendant Roman Seleznev in this matter. I make this declaration in support of Mr. Seleznev's Motion for Order Prohibiting Prosecution Team from Obtaining and Using BOP Telephone Recordings for Use in Prosecution.

2. I have reviewed Mr. Seleznev's medical records from his time at FDC, which were produced to me by the government.

3. Those records reflect that Mr. Seleznev suffered major head trauma during a bombing incident in 2011.

1           4.       Those records reflect that Mr. Seleznev has informed the BOP that he has  
2 experienced seizures since the bombing, and that he has been treated with anti-seizure  
3 medication throughout his time at the BOP.

4           5.       Those records further reflect that Mr. Seleznev has complained of frequent  
5 headaches throughout his incarceration at BOP. For example, the records show that on May 27,  
6 2015, Mr. Seleznev saw the doctor for “chronic post-traumatic headache[s]” and was  
7 prescribed pain medication.

8           6.       To preserve my client’s privacy, I have not attached these medical records to  
9 this declaration.

10          7.       Relevant portions of the transcript of the February 22, 2015 phone call between  
11 Mr. Seleznev and his father, which was provided to the defense by the government, are as  
12 follows:

13       UM1:	So that you would not be getting used to it and would not be glad about it. I see. Listen. REDACTED did she slander you really badly?
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15       Roman:	You guys can see it better over there. I don't know.
16       UM1:	I just... Besides health and kidnapping, I am going to make them pay attention to this thing. There are some nuances that... When you [talk to them], try to ask them.//
17       Operator:	<u>This call is from a Federal prison.</u> //
18       UM1:	Hello?
19       Roman:	Ok. I told them the previous ones [about it] and I don't know if they made notes about it. Well, I'll tell these guys about it too.
20       UM1:	No, I told those guys already.//
21       Roman:	Ah, no. I did tell those guys too what was in the documents. Well, they have probably read it themselves.
22       UM1:	Well, I just think that... Since she REDACTED 23       REDACTED and went to the US and thus she 24       probably played a big part in slandering you. That's what I think. So//

1	Roman:	Yes. And to get a citizenship.
2	UM1:	That's the point, yes. To get a legal status in America.
3	Roman:	Um-hum.
4	UM1:	So, stress that thing too, on top of everything else. Ok?
5	Roman:	Ok.
6	UM1:	Well, I have already told them that, but I am going to write to them about it too.
7	Roman:	Um-hum.
8	UM1:	I am going to write to them right this moment that they should study the case documents to see what is being said there about this. Then, they should give me a report. They//
9	Roman:	Well, it says nothing there. They only can say it at the trial. Well... You know?//
10	UM1:	Where do you know it from, then?//
11	Roman:	The lawyers keep their best arguments for the trial.
12	UM1:	Um-hum. Um-hum.
13	Roman:	So...
14	UM1:	So, you are saying that it is not in the case documents?
15	Roman:	There is some of it there, but they probably put it there by accident. All it says there that they received the documents from her. Well, a CD and something else.
16	UM1:	Um-hum.
17	Roman:	So...
18	UM1:	They got//
19	Roman:	All that is there are a couple of lines.
20	UM1:	Um-hum.
21	Roman:	They do not use the <b>REDACTED</b> last name, but rather her new last name. Maybe so that one would not understand it or I don't know...
22		
23		
24		
25		

1	UM1:	But you knew her new last name?
2	Roman:	No, there are documents there... Well, a certificate about granted citizenship to this woman and [about] the change of her last name and all that.
3		
4	UM1:	Oh wow! She even got a citizenship?
5	Roman:	Looks like it.
6	UM1:	Well... Nice... Ok, I got you. Something has to be done about it... Well, I have some ideas about it. Ok...
7	Roman:	Um-hum.
8	UM1:	Ok, then, Romochka [Roman].//
9	Roman:	Alright, then.//

10

11 8. Relevant portions of the transcript of the August 20, 2015 phone call between

12 Mr. Seleznev and his father, which was provided to the defense by the government, are as

13 follows:

14	Roman:	Ok. Listen...
15	UM1:	Uh-huh.
16	Roman:	I called the attorney today.
17	UM1:	Yes.
18	Roman:	She said that the warden says that you and I are discussing some kind of plans, sort of suspicious plans. That's why they decided that you and I are plotting something and they turned the mail off for me and they made the communication access the way it is.
19		
20	UM1:	You see how// [A lot of noise from the wind outside]
21	Roman:	Hello?
22	UM1:	Yes, yes, I can hear you good.
23	Roman:	Uh-huh.

UM1:	What can we discuss? Your escape plan or what?
Roman:	Yes, they said that this is exactly what we are discussing. That they//
UM1:	//Well, do you understand that it is nonsense?
Roman:	They, sort of, want to add all that to the case. This is my understanding of what the attorney told me.

UM1:	They can add whatever they want to the case, but the thing is that you and I were not discussing anything like that.
Roman:	Of course. I said, "We are discussing a strategy of my defense".
UM1:	[Clears his throat] Yes.
Roman:	That's all that we are discussing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 9<sup>th</sup> day of October, 2015 at Seattle, Washington.

s/Andrea D. Ostrovsky

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Norman McIntosh Barbosa      [norman.barbosa@usdoj.gov](mailto:norman.barbosa@usdoj.gov)

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s/Susie Clifford